IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 13 of 2004 (M/B)

Narendra Singh S/o Sumer Singh,
Chamber No. 163, Civil Court,
Roorkee, District Haridwar,
Permanent R/o Vilage Jaidpur,
P.S. Laksar, Distt. Haridwar. ……... Petitioner

Versus

State of Uttaranchal & others. ……..… Respondents

Mr. K.S. Bhaskar, learned counsel for the petitioner.
Mr. K.P. Upadhyaya, learned Brief Holder on behalf of the state.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Irshad Hussain, J.

(Per Hon'ble the Chief Justice)

1. Heard learned counsel for the parties.

2. This writ petition was clearly infructuous even on the day when it was filed. By this writ petition, the advertisement dated 4.03.2000 issued by the District Magistrate, Haridwar is sought to be challenged and further, the petitioner has also challenged the appointment of respondent No. 3, which was made in pursuance of the advertisement. This was on the ground that though in the advertisement date 4.03.2000, the appointment of Addl. District Government Counsel (Criminal) (from hereinafter referred to as "A.D.G.C.") was meant only for the Scheduled Caste candidates, the respondent No. 3 was not a Scheduled Caste, who was appointed.

3. It is seen from the writ petition, itself, that thereafter there is another advertisement dated 31.07.2002 for the same post, which has not been challenged. We also fail to see as to how there could be a reservation for a single post, if at all the A.D.G.C. was a civil post under the State Government. Even that is not a civil post, which is clear from the judgment of the Supreme Court reported in 2004 (4) SCC 714 in the case of State Vs Johrimal, where the post of a public prosecutor has not been held to be a post under the State Government.

4. Under such circumstances, we do not se any reason to proceed with this writ petition. The writ petition is dismissed accordingly.

(Irshad Hussain, J.) **(V.S. Sirpurkar, C.J.)**
14.10.2004 **14.10.2004**

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